

REMARKS

The applicant respectfully requests reconsideration in view of the following remarks.

Claims 1, 4-5, and 9 are rejected under 35 U.S.C. 112, as failing to comply with the written description requirement. Claims 1, 4-5, and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 20 and 21 of copending Application No. 11/637,411 ('411 application). The applicant respectfully traverses these rejections.

Rejections under 35 U.S.C. 112

Claims 1, 4-5, and 9 are rejected under 35 U.S.C. 112, as failing to comply with the written description requirement. The Examiner stated that the material previously incorporated by reference was not proper.

The Examiner specifically stated at page 7 of the office action that an amendment would be deemed to comply would include:

(1) express their clear intent as specified in 37 C.F.R. §§ 1.57 (b)(1),
Examples 1 through 3 of the instant application discuss making the 3,4-polyethyleendioxythiopene/polystyrene sulfonate solution "in accordance with Example 2 from EP-A 991 303" (see page 10 and 11 of the specification). It is clear that example 2 of EP-A 991 303 was incorporated.

(2) a copy, such as a certified translation, of the subject matter of EP A -991 303 to be incorporated to comply with 37 C.F.R. §§ 1.57 (e) Enclosed is a certified translation of Example 2.

(3) a statement in accordance with 37 C.F.R. §§ 1.57(f).
In the applicant's last response (amendment) the applicant amended the specification by incorporating subject matter that was previously in the specification and the amendment made contains no new matter. Again, the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. The applicant

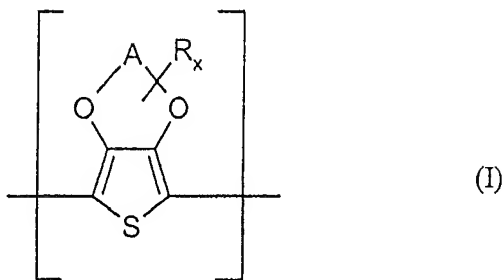
believes that they have complied with (1) –(3) above. For the above reasons, this rejection should be withdrawn.

Double patenting rejection

Claims 1, 4-5, and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 20 and 21 of copending '411 application.

The claims submitted in the last amendment of the '411 application are as follows:

20. (Previously presented) A dispersion comprising at least one polymeric anion, at least one solvent and at least one polythiophene having repeating units corresponding to the general formula (I):



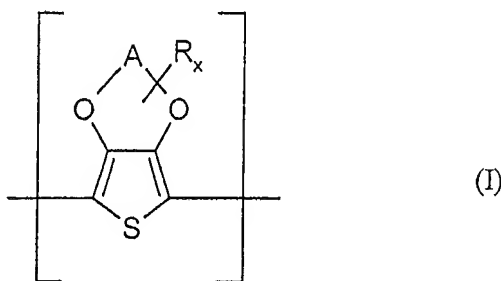
wherein A in each repeating unit independently represents a substituted or unsubstituted C₁ to C₅ alkylene radical, each R independently represents a linear or branched, substituted or unsubstituted C₁ to C₁₈ alkyl radical, a substituted or unsubstituted C₅ to C₁₂ cycloalkyl radical, a substituted or unsubstituted C₆ to C₁₄ aryl radical, a substituted or unsubstituted C₇ to C₁₈ aralkyl radical, a substituted or unsubstituted C₁ to C₄ hydroxyalkyl radical or a hydroxyl radical, x in each repeating unit independently represents a whole number from 0 to 8,

wherein the at least **one polymeric anion and the at least one polythiophene are present in a weight ratio of 1:1 to 5:1**, wherein the dispersion has a viscosity of 5 to 300 mPas, and wherein 50 wt.% of particles in the dispersion are smaller than 50 nm. (emphasis added)

21. (Original) The dispersion according to claim 20, further comprising one or more additives selected from the group consisting of ether group-containing compounds, lactone group-containing compounds, amide group-containing compounds, lactam group-containing compounds, sulfones, sulfoxides, sugars, sugar derivatives, sugar alcohols, furan derivatives, dialcohols, polyalcohols and mixtures

thereof, wherein the one or more additives is present in an amount of at least 0.1 wt.%, based on the dispersion..

23. (New) A dispersion comprising at least one polymeric anion, at least one solvent and at least one polythiophene having repeating units corresponding to the general formula (I):



wherein A in each repeating unit independently represents a substituted or unsubstituted C₁ to C₅ alkylene radical, each R independently represents a linear or branched, substituted or unsubstituted C₁ to C₁₈ alkyl radical, a substituted or unsubstituted C₅ to C₁₂ cycloalkyl radical, a substituted or unsubstituted C₆ to C₁₄ aryl radical, a substituted or unsubstituted C₇ to C₁₈ aralkyl radical, a substituted or unsubstituted C₁ to C₄ hydroxyalkyl radical or a hydroxyl radical, x in each repeating unit independently represents a whole number from 0 to 8,

wherein **the at least one polymeric anion and the at least one polythiophene are present in a weight ratio of 1:1 to 5:1**, wherein the dispersion has a viscosity of 5 to 300 mPas, and wherein 50 wt.% of particles in the dispersion are smaller than 30 nm. (emphasis added)

24. (New) The dispersion according to claim 23, further comprising one or more additives selected from the group consisting of ether group-containing compounds, lactone group-containing compounds, amide group-containing compounds, lactam group-containing compounds, sulfones, sulfoxides, sugars, sugar derivatives, sugar alcohols, furan derivatives, dialcohols, polyalcohols and mixtures thereof, wherein the one or more additives is present in an amount of at least 0.1 wt.%, based on the dispersion.

The claims of the '411 application require **the at least one polymeric anion and the at least one polythiophene are present in a weight ratio of 1:1 to 5:1** (see independent claims 20 and 23). Therefore, the '411 application claims at least one polymeric anion is in a ratio of at most 5:1 greater than the polythiophene.

The applicant claimed invention is to dispersion comprising:

polyanions;
cationic 3,4-polyalkyleriedioxythiophenes; and
a solvent comprising water and optionally alcohol,
a weight ratio of cationic 3,4-polyalkylene-
dioxythiophene to polyanion of from 1: 8 to 1: 25.

The applicant claims that the polyanion is at least 8 times greater than the dioxythiophene and not 5 times or less. There is no overlap in the claims of this application and in the claims of the '411 application. Therefore this rejection should be withdrawn.

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13077-00140-US from which the undersigned is authorized to draw.

Dated: March 24, 2010

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

Enclosure: Certification